

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	WT Docket No. 04-140
	)	
Amendment of Part 97 of the Commission's Rules	)	
Governing the Amateur Radio Services	)	

**REPLY TO JOHN MATZ COMMENTS**

**Comment Date: May 11, 2004**

The basic argument against spread spectrum is that it cannot interoperate with legacy emission types, and that the legacy emission types were here first, with squatter's rights. Mr. Matz uses several examples to show where 1 MHz of spread spectrum would offset these homesteaders. I won't go into the math, but maybe we've already learned all we can about these legacy emission types, and the commission needs to reclaim the spectrum lost to the permanent (non-experimenting) settlers.

While examples of 100 Watts are given by Mr. Matz, this level of power would not be attainable for years (maybe decades), and even if it was available, it would go against spectrum reutilization and sharing that are the hallmarks of the spread spectrum modes. I would envision less than 1 Watt being used for years, and as the emission becomes popular, the legacy emission modes would be less utilized, and even less power could be used, void of this narrow-band interference. Due to the unavailability of automatic transmitter controls listed in §97.311(d) most amateurs couldn't transmit more than 1 Watt if they wanted to.

Amateur Radio experimenters can co-exist with legacy modes. If the spectrum will not allow for experimentation, then we should auction it out of the Amateur Radio Service. The only futuristic thing the Commission can do, is to allow spread spectrum anywhere in the service (MF, HF, VHF, UHF, etc) for the reasons given by the Commission in the Docket, and limited only be treaty.

Respectfully submitted,

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